

REMARKS/ARGUMENTS

In the Office Action mailed May 19, 2005, the Examiner has rejected to Claims 1-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that which Applicants regard as the invention. The Examiner questions the definition of “exercising” in the specification. By this Amendment, the specification now specifically points out that “exercising” and “exercise cycle” are equivalent. Therefore, the claims now point out and distinctly claim that which Applicants regard as the invention, and this rejection should now be removed.

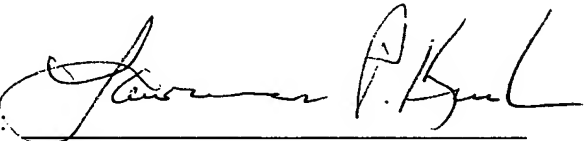
Further, the Examiner has rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Jadwin et al, in view of Parker, Takeda et al, and Kane et al. By this paper, Claims 1-9 and 12-15 have been amended to more particularly point out that which the Applicants regard as the invention (Claims 10, 11, and 16-20 have been cancelled without prejudice). The Examiner concedes that Jadwin et al do not teach exercise of developer. While Parker shows adding heat to warm developer, Takeda et al show agitating developer, and Kane et al show an impeller to mix developer, none of these references in any way describes applying their respective techniques to set developer, and exercising the set developer prior to use for developing an electrostatic image. This is an important aspect of Applicants’ invention, and is now specifically recited in the amended claims. Therefore, even if the cited references were properly combined in the manner suggested by the Examiner, the resultant combination could not be interpreted as rendering Applicants’ claimed invention obvious to one of ordinary skill in the art. Accordingly, it is respectfully submitted that amended independent Claims 1, 9, and 12, and Claims 2-8 and 13-15 dependent directly or indirectly thereon, which are the claims remaining in this Application, define over the prior art and should now be allowed.

Applicants are not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. §1.99.

This Application is now believed to be in condition for favorable reconsideration and early allowance, and such actions are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments in connection with this communication to Eastman Kodak Company, Deposit Account No. 05-0225. *A duplicate copy of this request is enclosed.*

Respectfully submitted,

By: 

Lawrence P. Kessler
Attorney for Applicant(s)
Registration No. 24,637

LPK:tam
Telephone No. (585) 253-0123
Facsimile No. (585) 477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.